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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,036	08/07/2001	David S. Puente	CY-Y0081	1462
41339	7590	11/16/2005	EXAMINER	
KARAMBELAS & ASSOCIATES 655 DEEP VALLEY DRIVE, SUITE 303 ROLLING HILLS ESTATES, CA 90274				YIMAM, HARUN M
ART UNIT		PAPER NUMBER		
		2611		

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/924,036	PUENTE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Harun M. Yimam	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 08/22/2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-5 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 08/22/05 with respect to claims 1-5 have been fully considered but they are not persuasive.
2. In response to applicant's argument (page 4, 5<sup>th</sup> paragraph) that Burns does not teach a content processing center, the cited content processing server (content server 52 in figure 2 in Burns) is for processing media content (as shown by Burns in column 5, line 66 – column 6, line 7 and column 9, line 35-48, wherein the retrieval and transmission of content to the cache server requires the content to be processed, this is a fundamental aspect of computing devices, as acting on data is to process it) and serves the media content in the form of video, audio, and text (column 5, line 66 – column 6, line 1).
3. In response to applicant's argument (page 4, 5<sup>th</sup> paragraph) that Burns does not teach a content processing center coupled for receiving the media content from the source of the media content and for processing the received media content to generate a streaming media presentation system, the Examiner would like to point out that Lumley discloses the source of media content (14 in figure 1 and column 4, line 66 – column 5, line 18) comprising video, audio, and textual content (column 5, lines 34-35)

for distributing various promotional materials to multiple users (column 5, lines 19-35). It is Burns who discloses the content processing center (content server—52 in figure 2) for processing media content (column 5, line 66 – column 6, line 7 and column 9, line 35-48, as described above) and serves the media content in the form of video, audio, and text (column 5, line 66 – column 6, line 1) to generate a streaming media presentation comprising integrated static HTML pages (since the content server multicasts HTML pages, it inherently generates the plural HTML pages—column 6, lines 1-7) and encoded video, audio, (the media content, including audio and video data associated with the HTML pages, column 9, lines 45-48, has to inherently be formatted/encoded for suitable transmission) and metadata (hyperlinks for hypermedia document to various data items, such as video and audio—column 6, lines 1-7 and column 9, lines 42-50).

4. In response to applicant's argument (page 5, 1<sup>st</sup> paragraph) that Burns does not teach, suggest or imply generating a streaming media presentation comprising integrated static HTML pages and encoded video, audio, and metadata, the Examiner cites column 6, lines 1-7, wherein Burns inherently discloses generating a streaming media presentation comprising integrated static HTML pages by disclosing that the content server multicasts HTML pages. Burns further discloses that the content processing center (content server—52 in figure 2) serves the media content in the form of video, audio, and text (column 5, line 66 – column 6, line 1), wherein the HTML pages

are also stream along with associated audio and video content (said content is then stored in CMS 126, as stated in column 9, lines 45-58 and lines 56-65).

5. In response to applicant's argument (page 5, 2<sup>nd</sup> paragraph) that Burns does not teach, suggest or imply a satellite for transmitting the streaming media presentation, applicant should note that network (54) is a high bandwidth network (col. Lines 16-19) that is connected to the content server (52) that provides audio, video and other multimedia (col. 5, lines 65 – col. 6, line 2). Furthermore, network (54) might be implemented as satellite (col. 6, lines 22-27). Therefore, network (54) is a satellite for transmitting streaming media presentation as required by the claim.
  
6. In response to applicant's argument (page 5, 4<sup>th</sup> paragraph) that Burns does not teach, suggest or imply a cache server for receiving and storing the transmitted streaming media presentation, the Examiner cites column 6, lines 56-65, wherein Burns discloses a cache server (72 in figure 2) having a storage 78 in figure 2 and caches internet resources/media presentation requested by the subscribers (col. 9, lines 56-65).
  
7. In response to applicant's argument (page 4, 5<sup>th</sup> paragraph) that Burns does not teach, suggest or imply one or more client computers coupled to the cache server that each comprise browser software for accessing the streaming media presentation, the Examiner cites column 6, lines 48-65, wherein Burns discloses one or more client computers (58 and 60 in figure 2) coupled to the cache server (connected to the ISP 56,

which comprises the cache server—column 6, lines 48-50) each inherently comprising a browser software (column 8, lines 5-15) for accessing the streaming media presentation, because a browser is used for accessing information from a web page.

8. In response to applicant's argument (page 6, 3<sup>rd</sup> paragraph) that Lumley does not teach, suggest or imply a source of media content comprising video, audio, and textual content, the Examiner cites column 5, lines 1-18, wherein Lumley discloses a source of media content (promotional material data source—14 in figure 1) comprising video, audio, and textual content (promotional material includes any desired combination of text, graphics, audio, and video—column 5, lines 34-35).

9. In response to applicant's argument (page 6, 4<sup>th</sup> paragraph) that there is no suggestion to combine Burns with Lumely, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the cited benefit of distributing various promotional materials to multiple users is expressly recited in Lumely, see column 5, lines 19-35.

10. In response to applicant's argument (page 7, 5<sup>th</sup> paragraph) that Omoigui does not teach, suggest or imply a searchable streaming media presentation using metadata integrated with video and audio, the Examiner cites paragraph 22, lines 1-7, wherein Omoigui discloses a streaming media presentation (paragraph 19, lines 1-7) that is searchable using the metadata (descriptive presentation information) integrated with the video and audio (paragraph 22, lines 1-7) for the benefit of searching for a particular media presentation (paragraph 22, lines 5-7).

11. In response to applicant's argument (page 7, 6<sup>th</sup> paragraph) that there is no suggestion to combine Omoigui with Burns and Lumely, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the cited benefit of searching for a particular media presentation as expressly recited in Omoigui, see paragraph 22, lines 5-7.

12. In response to applicant's argument (page 8, 1<sup>st</sup> paragraph) that Omoigui does not appear to be an effective reference since it is a publication based on an earlier filed patent application which apparently has not been published or granted, see MPEP

2163.02, which describes office policy regarding the applicability of pre-grant publications as prior art. Furthermore, as stated in the MPEP 2163.02 "It is the earliest effective U.S. filing date (which will include certain international filing dates) of the U.S. patent or application publication being relied on as the critical reference date..." It is the earliest effective US filing date of the Omoigui publication upon which the office relies upon as the effective date of the publication.

13. In response to applicant's argument (page 9, 1<sup>st</sup> paragraph) that Nagai does not teach, suggest or imply converting the dynamic HTML page into a static HTML page, the Examiner cites column 7, lines 50-52, wherein Nagai discloses converting dynamic contents into a static HTML page (obtain a static HTML content from dynamic contents—column 7, lines 50-52). The dynamic contents of Nagai constitute at least one dynamic HTML page in that an HTML page is a set of HTML contents. Since Nagai discloses that a set of HTML contents are converted to a set of static HTML contents, Nagai clearly discloses converting a dynamic HTML page into a static HTML page.

14. In response to applicant's argument (page 9, 1<sup>st</sup> paragraph) that there is no suggestion to combine Burns and Nagai, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.

1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the cited benefit of generating a static digest/summary of a multimedia from a plurality of media data as expressly recited in Nagai, see column 6, lines 39-43 and column 7, lines 50-52.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burns (US 5,991,306) and in view of Lumley (US 6,588,013).

Considering claim 1, Burns discloses a streaming media publishing system (figure 2) comprising: a content processing center (content server—52 in figures 2) for processing the media content (column 5, line 66 – column 6, line 7 and column 9, line 35-48) to generate a streaming media presentation comprising integrated static HTML pages (since the content server multicasts HTML pages, it inherently generates the HTML pages—column 6, lines 1-7) and encoded video, audio, (the media content has to inherently be formatted/encoded for suitable transmission) and metadata (hyperlinks for hypermedia document to various data items, such as video and audio—column 6,

lines 1-7 and column 9, lines 42-50); a satellite for transmitting the streaming media presentation (54 in figure 1 and column 6, lines 22-25); a cache server (72 figure 2) for receiving and storing the transmitted streaming media presentation (column 6, lines 56-65); client personal computers (58 and 60 in figure 2) coupled to the cache server comprising browser software for accessing the streaming media presentation stored on the cache server and displaying the streaming media presentation (column 6, lines 48-55).

Burns further discloses that the processing center (52 in figure 6) serves content in the form of video, audio, and text (column 5, line 66 – column 6, line 1). However, Burns fails to specifically disclose a particular source for the media content.

In analogous art, Lumley discloses a source of media content (14 in figure 1 and column 4, line 66 – column 5, line 18) comprising video, audio, and textual content (column 5, lines 34-35) for distributing various promotional materials to multiple users (column 5, lines 19-35).

It would have been obvious to one of ordinary skill in the art to modify Burns' system to include a source of media content, as taught by Lumley, for the benefit of distributing various promotional materials to multiple users (column 5, lines 19-35).

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burns (US 5,991,306) in view of Lumley (US 6,588,013) as applied to claim 1 above, and further in view of Omoigui (US 2005/0076378).

As for claim 2, Burns and Lumley disclose a streaming media publishing system.

Burns and Lumley fail to disclose that the streaming media presentation is searchable using the metadata integrated with the video and audio.

In analogous art, Omoigui discloses that the streaming media presentation (paragraph 19, lines 1-7) is searchable using the metadata (descriptive presentation information) integrated with the video and audio (paragraph 22, lines 1-7) for the benefit of searching for a particular media presentation (paragraph 22, lines 5-7).

It would have been obvious to one of ordinary skill in the art to modify the combined system of Burns and Lumley to include searchable streaming media presentation using metadata, as taught by Omoigui, for the benefit of searching for a particular media presentation (paragraph 22, lines 5-7).

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns (US 5,991,306) in view of Nagai (US 6,795,092).

With regards to claim 3, Burns discloses a streaming media publishing method (figure 2) comprising the steps of: selectively processing graphics and text associated

with a streaming media presentation to create a dynamic hypertext markup language (HTML) page (column 5, line 66 – column 6, line 7) corresponding thereto; processing video and audio (column 5, line 66 – column 6, line 1) to extract metadata associated with the presentation (hyperlinks for hypermedia document to various data items, such as video and audio—column 6, lines 1-7 and column 9, lines 42-50); encoding the video, audio, and metadata in a predetermined format (the media content has to inherently be formatted/encoded for suitable transmission); integrating static HTML page with encoded video, audio, and metadata (since the content server multicasts HTML pages: web pages, that links text, audio, and video, and the media content has to inherently be formatted/encoded for suitable transmission, the HTML page is inherently integrated with the streaming media before multicasting—column 5, line 66 – column 6, line 7); transmitting the streaming media presentation comprising the integrated static HTML page and encoded video, audio, and metadata to a remotely located cache server where it is stored (column 6, lines 22-25 and 56-65); accessing and viewing the streaming media presentation using web browser software disposed on a personal computer coupled to the cache server (column 6, lines 1-7 and 48-65).

Burns fails to disclose converting the dynamic HTML page into a static HTML page.

In analogous art, Nagai discloses converting the dynamic HTML page into a

static HTML page for the benefit of generating a static digest/summary of a multimedia from a plurality of media data (column 6, lines 39-43 and column 7, lines 50-52).

It would have been obvious to one of ordinary skill in the art to modify Burns' method to include converting the dynamic HTML page into a static HTML page, as taught by Nagai, for the benefit of generating a static digest/summary of a multimedia from a plurality of media data (column 6, lines 39-43 and column 7, lines 50-52).

Regarding claim 4, Burns and Nagai meet the claimed limitation. In particular, Burns discloses that streaming media presentation is transmitted over a satellite link (54 in figure 1 and column 6, lines 22-25).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burns (US 5,991,306) in view of Nagai (US 6,795,092) as applied to claim 3 above, and further in view of Omoigui (US 2005/0076378).

As for claim 5, Burns and Nagai disclose a streaming media publishing system. Burns and Nagai fail to disclose that the streaming media presentation is searchable using the metadata integrated with the video and audio.

In analogous art, Omoigui discloses that the streaming media presentation (paragraph 19, lines 1-7) is searchable using the metadata (descriptive presentation

information) for the benefit of searching for a particular media presentation (paragraph 22, lines 5-7).

It would have been obvious to one of ordinary skill in the art to modify the combined method of Burns and Nagai to include searchable streaming media presentation using metadata, as taught by Omoigui, for the benefit of searching for a particular media presentation (paragraph 22, lines 5-7).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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